IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CIVIL JURISDICTION

WRIT PETITION NO.1347 OF 2005

Hitkari Fibres Ltd.)..PETITIONER

Versus

Kamgar Utkarsha Sabha).. RESPONDENT

Mr.P.N.Anaokar with Mr.A.K.Jalisatgi for the Petitioner.

Mr.Abhay Kulkarni with Mrs.Pallavi Kulkarni and Ms.Seema Chopda for the Respondent.

CORAM: SMT.NISHITA MHATRE, J.

DATED: 31ST MARCH 2005

P.C.:

. The order impugned is an interim order dated 1st February 2005 passed by the Industrial Court, Thane below Application Exhibit U-2 in Complaint (ULP) No.34 of 2005. The transfer order issued to the workman Gajanan Vedak who is a member of the Respondent Union has been temporarily stayed. The Complaint was filed by the Union on behalf of the workman under Items 3, 9 and 10 of Schedule IV of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 (hereinafter referred to as "the Act"). The Union contended that the Petitioner Company has transferred the workman to M/s.Hitkari Hitech Pvt. Ltd. at Bangalore. The Respondent has also contended that

the employer had not disclosed that this was a sister concern at all and, therefore, the transfer of the workman to M/s.Hitkari Hitech Pvt. Ltd. was illegal besides being mala fide. The alleged mala fides have been stated in the pleadings in the Complaint. The Industrial Court on a prima facie basis has found that the Respondent has made out a case for interim relief. This being a discretionary relief which can be granted by the Industrial Court under Section 30(2) of the Act, I see no reason to interfere with the same. There is no perversity in the order nor has the order been passed without jurisdiction or in excess of jurisdiction for me to interfere in writ jurisdiction. In such circumstances, the Writ Petition is dismissed. However, the Industrial Court, Thane is requested to dispose of the Complaint as expeditiously as possible.